IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 8748 of 2007(N)

PETITIONER:

V.J.JOSEPH, S/O.V.D.JOSEPH,
VECHOORATHI HOUSE, ETTUMANUR P.O.,
KOTTAYAM DISTRICT.

BY ADV. SMT.DAISY A.PHILIPOSE

RESPONDENTS:

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1. ETTUMANOOR GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY.

2. THE SUB INSPECTOR OF POLICE,
ETTUMANOOR.

3. ROY, PAYMALAYIL, PUNNATHURA WEST,
MADAPPALLI P.O., ETTUMANNUR.

ADDL. 4. THE REGIONAL TRANSPORT AUTHORITY, KOTTAYAM

THE ADDL. 4TH RESPONDENT IS IMPLEADED SUO MOTU
AS PER ORDER DT.15.6.2007 IN THE WRIT PETITION.

R2 & ADDL.R4 BY GOVERNMENT PLEADER SRI.SHYSON P.MANGUZHA
R3 BY ADV.SRI.MATHEW JOHN (K)
SRI.SUJESH MENON V.B.
R1 BY ADV.SRI.K.GOPALAKRISHNA KURUP, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C)No.8748 OF 2007

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DATED THIS THE 15TH JUNE, 2007

J U D G M E N T

Sri.K.Gopalakrishna Kurup, Standing Counsel for the Panchayat submits that a resolution has since been adopted by the Panchayat to request the Regional Transport Authority's concurrence in the matter of establishing autorickshaw stand in the area in front of the petitioner's hotel to which the petitioner is having objection.

2. Smt. Daisy A. Philipose, counsel for the petitioner refers to the Kerala Panchayat Raj (Landing Places, Halting Places, Cart Stands and other Vehicle Stands) Rules, 1995 (Rules 3 and 6) and submits that the Panchayat is bound to invite objections before parking places are provided within the area of the Panchayat. According to her, in view of Rule 6, it will not be legally possible to allow a parking place in front of the petitioner's hotel, the same being the foothpath of the State High Way.

3. I have heard the submissions of Sri.Mathew John, counsel for the 3rd respondent also.

4. I do not propose to go into the merits of the dispute. Since the concurrence of the additional 4th respondent is mandatorily required in the matter of establishment of autorickshaw stand at the

area in front of the petitioner's hotel and since such concurrence has already been sought by the Circle Inspector of Police, the authority superior to the 2nd respondent, this Writ Petition will stand disposed of issuing the following directions:-

5. The additional 4th respondent will issue notice to the petitioner and the 3rd respondent before any decision is taken on the issue of granting the concurrence sought for in the matter of establishing autorickshaw stand in front of the petitioner's hotel premises. It is open to the petitioner and the 3rd respondent to urge all their contentions before the R.T.A. and the R.T.A. will take a decision at the earliest and at any rate within three months of receiving copy of this judgment. The contention raised by the petitioner that the stand which is proposed as indicated in Ext.R3(d) produced by the 3rd respondent does not pertain to the area in front of the petitioner's hotel will also be taken due note of by the R.T.A. Once decision is taken, the same will be intimated to the petitioner and the 3rd respondent.

(PIUS C.KURIAKOSE, JUDGE)

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